

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAUL YAHNE,

Plaintiff,

v.

WASHINGTON STATE PATROL, et al.,

Defendants.

CASE NO. C13-5923 BHS

ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS

This matter comes before the Court on Defendants Washington State Patrol (WSP), Trooper Jon Ames, and Trooper Angela Hayes's ("Defendants") motion to dismiss (Dkt. 11).

On October 21, 2013, Plaintiff Paul Yahne ("Yahne") filed a complaint against Defendants and two Tacoma police officers under 42 U.S.C. § 1983. Dkt. 3. On January 16, 2014, Defendants filed the instant motion requesting that the Court dismiss Yahne's claims against them with prejudice. Dkt. 11. Yahne failed to respond, which the Court may consider as an admission that the motion has merit. *See* Local Rule 7(b)(2).

1 Upon review of the brief, Yahne's claims against the moving Defendants should
2 be dismissed for multiple reasons. For example, state employees acting in their official
3 capacities are not "persons" subject to suits for damages under 42 U.S.C. § 1983. *Will v.*
4 *Michigan Dept. of State Police*, 491 U.S. 58, 71 (1989). Therefore, the Court **GRANTS**
5 Defendants' motion and Yahne's claims against Defendants are dismissed with prejudice.

6 **IT IS SO ORDERED.**

7 Dated this 4th day of March, 2014.

8
9 

10 BENJAMIN H. SETTLE
11 United States District Judge
12
13
14
15
16
17
18
19
20
21
22